

Gc
942.2701
H35r

M. L.

Gc

942.2701

H35r

1314647

GENEALOGY COLLECTION

ALLEN COUNTY PUBLIC LIBRARY

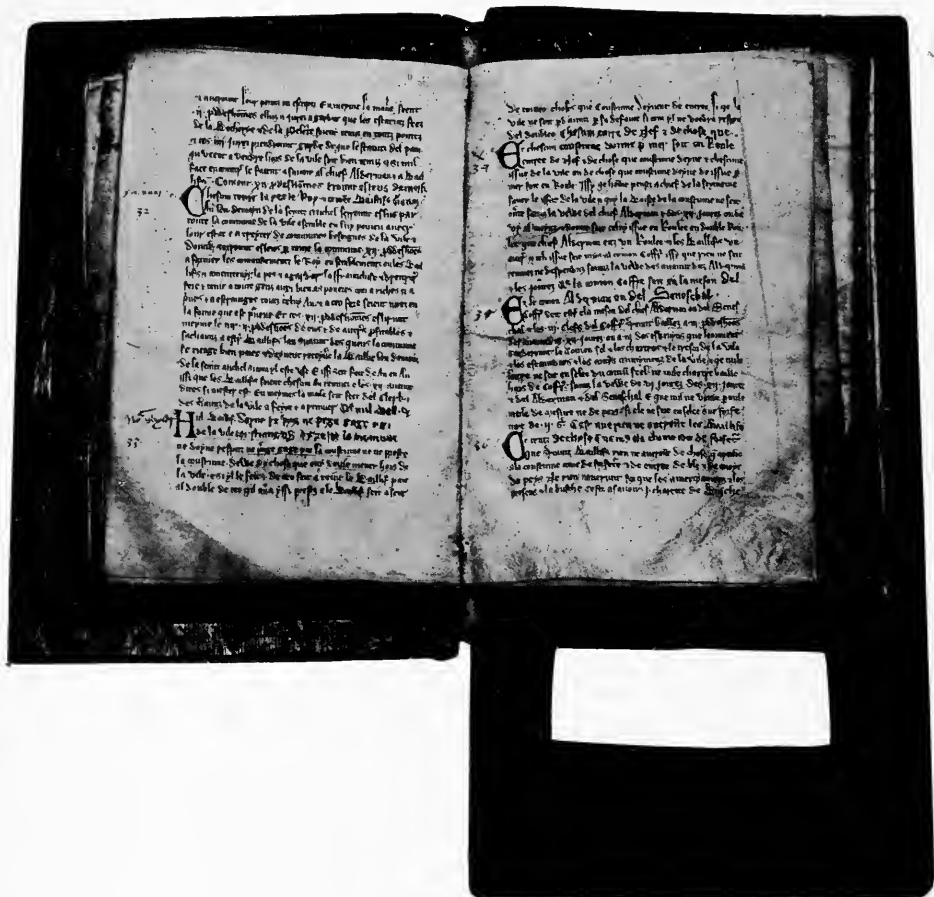


3 1833 00723 6323

Digitized by the Internet Archive
in 2010 with funding from
Allen County Public Library Genealogy Center







THE OAK BOOK,

SHOWING THE GUILD ORDINANCES, NOS. 32—36.

From a Photograph specially taken for this pamphlet by—

MR. MAX-MILLS,
COMPTON STUDIOS,
EAST PARK TERRACE,
SOUTHAMPTON.

The Records of Southampton.

A BRIEF ACCOUNT OF SOME OF THE
BOROUGH DOCUMENTS,

BY

F. J. C. HEARNshaw, M.A., LL.M.,

*Professor of History in the Hartley University College, Southampton,
Late Scholar of St. Peter's College, Cambridge,
General Editor of the Publications of the Southampton Record Society.*

PRICE ONE SHILLING NET.

PRINTED AND PUBLISHED BY
COX & SHARLAND,
150, HIGH STREET, SOUTHAMPTON.

1906.

To Southampton.

—o—

Old Town, strong-stationed where the yearning Sea
Flows in to meet his Rivers, where the Shore
Is clad in forest-verdure evermore,
And where the Suns are warm, the Breezes free.
Great Kings in days of stress have looked to thee,
Nor have thy Bulwarks failed, though leaguered sore ;
Firm hast thou stood till—storm and conflict o'er—
Calm thou dost stand in joy of victory.

The myriad generations of our Race
Have passed adown thy streets, and from thy Quay
Have sailed to many a wild and lonely place,
To build the Greater Britain yet to be.
Old Town, we hail thee ; splendid is thy fame,
And glorious thy imperishable Name.

F. J. C. H.

CONTENTS.

—o—

SECTION	I.—INTRODUCTION	PAGE	4
„	II.—CLASSIFICATION... ..	„	7
„	III.—THE OAK BOOK	„	11
„	IV.—THE BLACK BOOK	„	14
„	V.—THE ASSEMBLY BOOKS	„	16
„	VI.—THE BOOKS OF EXAMINATIONS	„	20
„	VII.—CONCLUSION	„	24

—

ILLUSTRATION.

THE OAK BOOK	FRONTISPIECE.
----------------------	---------------

The Records of Southampton.

1.—INTRODUCTION.

Few towns can rival Southampton in the variety and interest of their history. In Saxon times, like the great midland boroughs of Derby and Leicester, but earlier than they, "Hamton" gave its name to a shire. Under the powerful Norman kings the Kentish fortresses and harbours of the Cinque Ports were equalled in importance by the castle-crowned bulwarks of the maritime stronghold of Wessex. Later, when, during the Plantagenet reigns, war yielded precedence to commerce, Southampton waged no unequal conflict for supremacy with Bristol and even with London itself.¹ In more modern days, after discovery had opened up new worlds to western enterprise, Southampton was among the first of ports to send out adventurers and to equip argosies to reap the rich harvest of the seas. Still nearer our own days, when soft luxury was furnishing the Hanoverian aristocracy with all kinds of polite amusements and interesting ailments, Brighton with its Pavilion had hard work to hold its own against Southampton with its Long Rooms patronised by the highest nobility; while Bath with its waters, famous from Roman times, found no insignificant competitor in the mild and innocuous chalybeate spring opportunely discovered near the Western Shore. To-day what Hull is to the east and Liverpool to the west, that Hampton is to the south.

It is not surprising that a town with so long, so varied, and so notable a history should possess records of unusual value and importance. For over seven centuries the documents have been accumulating,² until now one whole side of the Corporation strong-room is insufficient to accommodate them, and the readiest method to estimate them would be by the hundred-

¹ Thus in 1272 Southampton imported 3,147 tons of wine as compared with London's 3,799 tons.

² The earliest document is a Charter of King John dated 1199.

weight. Of manuscript books alone there are more than five hundred, while the rolls and loose papers are innumerable. Some years ago¹ it took three men no less than six weeks merely to sort the documents and arrange them in their various classes.

Yet this store of historical treasure, great as it is, represents but a fraction of what *should* have been preserved, and what *would* have been preserved and handed down to us if the care and diligence of the old rulers of Southampton had been equal to the care and diligence of those who now have charge of its business and its records. It is difficult for us to-day to realise with what gross and wanton neglect, till some quarter of a century ago, in most towns, the old documents were treated; how they lay about dust-coated and worm-eaten in inextricable confusion, how they were open to the depredations of any curious or interested person, how they were used for the lighting of fires, how they were carted away by the load and dumped down with the refuse of the town in order to make more room in the offices where they had, till then, been allowed to lie.² The only marvel is that so much has survived to the present day, that all was not destroyed so soon as its immediate purpose was fulfilled. Perhaps the carelessness that was too indifferent to preserve was matched by a laziness too apathetic to clear out and destroy; perhaps there was an uneasy consciousness in the minds of old time Town Clerks that it was rarely possible to know when the immediate purpose of a borough record was fulfilled, and that it was easier and safer to leave things in the hands of providence or chance than to adopt the drastic measures of the spring-cleaner.

Of course, now, all is changed. Throughout the length and breadth of the country municipal authorities have become alive to the value of their venerable manuscripts. Cities such as London, Liverpool, Manchester, Gloucester, Carlisle, Oxford and Bath, with ancient boroughs such as Nottingham, Leicester and Reading, have made the more important of their muniments available through print. Some Corporations, notably those of Manchester and Leicester, have not thought hundreds of pounds

¹ A.D. 1885, when the Historical Manuscripts Commissioners sent an expert, Mr. J. C. Jeaffreson, to catalogue the records.

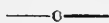
² This neglect was not peculiar to Southampton, but was general. Thus, early last century, the oldest council registers of Hereford were sold as waste paper by the woman who had charge of the Town Hall; about the same time the records of Weymouth passed into private hands from a stable where they had been stored, and whence they were rapidly being taken for the purpose of fire-lighting; again, at Plymouth, when the new Guildhall was built, some eighty years ago, it was not thought worth while to remove the ancient documents and they were cast out into the streets. Cf. Gross's *Bibliography of British Municipal History*, p. xiv.

too great a contribution to pay to the cause of historical research. Here in Southampton, in 1885, at the instance of the Hist. MSS. Commissioners, the Borough Council went to the expense of having their documents examined, arranged, catalogued, and reported on. Since then they have been treasured with great care under the immediate charge of the Town Clerk and the Estates Committee. They have, moreover, been made readily accessible to students, and the courteous assistance of the Audit House officials has rendered it possible for a good deal of valuable research to be carried on. Up to last year (1905), nevertheless, very few of them had found their way into print. Then, however, the "Southampton Record Society" was established with the object of editing and publishing such of them as appeared to be of general interest and historical importance. Already two volumes have been issued,¹ but a great work yet remains to be done; the largest and most valuable of the manuscripts are still untouched.

The object of this pamphlet is, following the order of the Hist. MSS. Commission report, and drawing largely on its information, to give some account of such of the documents as call most urgently for careful editing and early publication. It is hoped that the perusal of what is now written may lead many to lend their patronage and support to the Record Society.

¹ The Report of the Southampton Record Society's proceedings and all information can be obtained from the Hon. Secretaries, Hartley University College, Southampton.

II.—CLASSIFICATION.



The Southampton Borough Documents may be divided into five classes :—

(a) Books.

First there are the books, and, if we reckon none of them as historic which have been written since A.D. 1800, there are, as has already been mentioned, rather over five hundred of them. To begin with, we find a series of 106 Port books giving the yearly accounts of the water bailiffs and the receivers of the petty customs of the port from the fifteenth century onwards. Next we have a hundred of the annual records of the Court Leet, a wonderfully interesting collection detailing the proceedings of the most venerable of the local courts, and giving a vivid picture of the social life of the town from 1550 onwards. Thirdly we come to a bundle of fifty-nine Brokage books, all belonging to the fifteenth and sixteenth centuries, giving an account of the tolls levied and the dues paid at the Bargate during a period when a strict policy of municipal protection was enforced, and when the merchants of Southampton guarded themselves carefully and persistently against the unfair foreign competition of Winchester, Romsey, Millbrook, Shirley, and other rivals. Then there is another bundle, also of fifty-nine books, containing the accounts of the receipts and disbursements of fifty-nine of the Mayors who held office between the years 1535 and 1782. Last of the important and extensive series of books comes the collection of fifty-three Stewards' books, which give the records of the incomings and the outgoings of the town treasury for various years during the fifteenth, sixteenth, and seventeenth centuries. Beyond these longer and more complete series there lie imperfect, but highly valuable, collections of Town Court, Admiralty Court and other books, together with isolated volumes of unique interest and importance, of which I shall have to speak more fully later, such as the Oak Book, the Black Book, the Assembly Books, and the Books of Examinations. Altogether the books of the Southampton Corporation form a treasure of extraordinary historic wealth.

(b) Charters.

The second class of borough documents consists of charters and letters-patent. These number fifty-nine in all and they cover the period from King John (1199) to Queen Victoria (1857). The earliest (which now hangs framed in the Town Clerk's office) conveys to the burgesses of Southampton a grant of freedom from tolls throughout the Kingdom; the latest is a Commission of the Peace. All are, of course, of royal origin, and together they supply an epitome of the constitutional history of the borough and show in an authoritative manner the relations existing from age to age between the national and the municipal rulers. If these charters and letters-patent were published with explanatory notes and a commentary they would provide information of enduring interest and value to the present inhabitants of Southampton.

(c) Deeds.

The third class of manuscripts is numerically very large, but historically not very important. It is composed of deeds, indentures, leases, bonds, and other legal instruments. There are, for example, thirty-eight bundles of extinct leases, and four hundred or so of deeds of little more than private interest. They extend from the thirteenth century onwards in an ever widening stream to the present. A few of them, however, deal with matters of other than local or personal concern. Thus, there is an indenture of agreement dated 1340 (just after the French had raided and nearly ruined Southampton) according to which the Earl of Warwick pledged himself to the Black Prince to provide one hundred armed men for the defence of the town.¹ Again, there is another and still more curious agreement made in 1369 between the Mayor of Southampton (Edward Dieugard) and the Bishop of Winchester (the famous William of Wykeham). The Bishop, armed with the might of a royal charter, compelled the Mayor to enter into an engagement that during the whole of the sixteen days of S. Giles's fair at Winchester, every year, all shops and stalls and markets in Southampton should be closed, and that there should be no buying or selling whatsoever in or around the town, save of necessary victuals²—a truly oppressive restriction which the burgesses struggled, and with eventual success, to throw off.³

¹ This interesting document was purchased at a public sale in 1849 by Mr. Laisley, then Mayor of Southampton, and it was by him presented to the Corporation.

² "Nulla vendicio aut empcio in dicta villa Suthampton per aliquem mercatorem sive de villa sive de extra exist' durantibus nundinis supradictis nisi de victualibus que licite vendi possunt."

³ Thus, among these same papers there is a licence dated 1406 procured from the steward of Bishop Beaufort allowing, in return for valuable consideration, buying and selling during the period of the fair.

(d) Letters.

The next, or fourth, class of documents comprises letters and loose memoranda. So high is the importance of some of these that Mr. Jeaffreson, the Commissioner of 1885, went so far as to say, "It is for the writings catalogued under this heading that the Southampton MSS. are especially deserving of the consideration of historical students." Mr. Jeaffreson had the enthusiasm of an explorer and a discoverer, for he had unexpectedly unearthed the treasures—whose very existence had been forgotten—to which he is specially referring. There are no less than twenty-three royal letters, under the sign manual and signet of successive kings from Henry VI to Edward VI. But interesting though they are, and though worth their weight in gold to the antiquarian and seeker after curiosities, cooler and more deliberate judgment could not for a moment compare them in historic value with such store-houses of information as the Oak Book, or the series of the various court rolls.¹ Besides these royal epistles there are others of considerable note. The stirring days of the Spanish Armada (1587-8) yielded a bulky correspondence. The men of Southampton, in common with those of the rest of the county of Hampshire, are exhorted in a letter from the Lords of the Council (Dec. 27, 1587,) to be prepared to resist invasion and to defeat "sundry great preparacions in foraine partes" of which "Her Majesty hath bin of latte advertised." Four months afterwards (April 1, 1588,) the specific demand is made that the town shall supply "two serviceable and good shippes," of at least 60 tons burden, and one pinnace, all of them duly manned, victualled, and furnished with munitions and necessaries for two months' service to join with Her Highness's navy by the 25th instant. The town in reply pleads its inability to stand the expense. Sir Francis Walsingham (April 19, 1588) curtly acknowledges the receipt of the letter, but offers no relief of the burden. It is plain that the borough authorities and the Queen's ministers were on no very good terms about that time. For scarcely had the great Armada been defeated when a violent dispute broke out between the victorious admiral, Lord Howard of Effingham, and the Mayor of Southampton concerning the sphere of the jurisdiction of the local Admiralty Court. The Mayor, relying on a charter of Henry VI, confirmed and enlarged by Edward IV, claimed exclusive authority over the waters from

¹ They deal for the most part with trivial matters. Thus (1) Henry VI writes concerning justice denied to one, John Collis. (2) Edward IV, three letters about the maintenance of a ship, the *Grace-à-Dieu*. (3) Richard III, touching the sale of goods by Italians. (4) Henry VIII, respecting the equippling of twelve archers. Only half a dozen or so relate to larger affairs.

Portsmouth to Keyhaven beyond Lymington, and in particular maintained his right to appropriate for the benefit of the town the goods of pirates brought within his power. The Lord High Admiral vigorously contested this claim, and in a violent letter charged the Mayor with "obstinate contemptes," threatened him with "greavouse and sharpe punishmente," and demanded instant surrender of the goods "so presumptuously detained." The Crown lawyers supported Lord Howard and declared the Mayor to be wholly in the wrong. Eventually the terms of the charters were modified to prevent a recurrence of the dispute. A selection of these letters would make very good reading.

(e) Rolls.

The fifth, and last, class of manuscripts includes rolls and miscellaneous documents. There is one roll of peculiar interest. It contains in minutest detail the accounts of John Bentham, Steward of Southampton, for the year 1429-30. It shows that the receipts for the year amounted to £316 17s. 6¾d., derived from rents of properties, tolls, fines, and other sources, and that the expenditure was £307 9s. 7d., the first item of which was £6 for wine—not drunk however by the Corporation, but given away to the powerful Duke of Gloucester, uncle of the King, when he visited the town. Among the other items is 13/4 spent in packing a jury in a case concerning felons' goods which arose between the Crown and the town.¹ Further, there were moneys paid for salaries (e.g. £5 for the annual stipend of the Town Clerk), wages (e.g. tenpence to a labourer for two days' work on the bridge at the Bargate), repairs of quays, etc., entertainments, and a variety of other matters. This unique roll would well repay publication.

Having now enumerated the principal classes of documents, I will proceed to treat a little more fully of the contents of a few of the more notable examples among them.

¹ "Et de xills illud datis subtiliter ad retornandos amicos ville in quadam jurata inter dominum regem ac majorem ac ballivos ville Suthampton pro bonis ac catallis Johannis Wellyng felonis qui fugam fecit propter occisionem Nicholai Peyntour."

III.—THE OAK BOOK.

—o—

First in antiquity and in curiosity among the books of the Corporation stands the little volume known as the "OAK BOOK." It derives its name from its covers, which are of dark and much worn oak, one a good deal longer than the other and cut out at the bottom so as to provide a handle for the person holding the book.¹ It is a very small volume; its pages, which are of vellum, are less than quarto in size, and they number only sixty. But its historic importance is in inverse ratio to its bulk; it contains the oldest extant records of the municipal organization of Southampton, and these are of more than local interest. The eyes of antiquarians and historians have long been upon it. The Record Commissioners of 1832 gave a table of its contents in their report; in 1846 Mr. Thomas Wright contributed an illustrated account of it to the journal of the British Archæological Association; Dr. Charles Gross of America, in 1883, drew largely upon it in his dissertation on the English Merchant Guilds; four years later (1887) Mr. J. C. Jeaffreson in his report said that "Hampshire archæologists would do well to edit" the contents of "this highly interesting book"; finally, Miss Mary Bateson, the able editor of the Leicester Records, in the *Historical Review* for July, 1906, expresses the hope that the Southampton Record Society may receive sufficient support to enable it to "begin work upon the Oak Book."

The contents of this notable little volume can easily and rapidly be enumerated. They are :—

(1) A list of the boroughs of England with particulars concerning their charters—matters of great importance to mediæval administrators, since royal charters frequently interfered much with the exercise of local rights and privileges.²

(2) The oath exacted from the Mayor and other officials of the borough. The language of the oath is French. This fact suggests that the date of transcription was somewhere between 1250 and 1350—writings earlier than 1250 were generally in Latin, those later than 1350 tended to be in English. The handwriting itself fixes it more precisely at about 1320. The Mayor, the Bailiffs, and the rest are required to promise in words which hardly call for translation that they will be "foial et loial

¹ See frontispiece.

² Thus, John's charter in 1199 freed the merchants of Southampton from the tolls of all other boroughs.

a nostre seignour le Roy et a ses heres," that they will maintain "la ffraunchise de la ville" and "les poinetz de la Gilde," and so on.

(3) The ordinances of the Merchant Guild, seventy-seven in number and filling over ten pages of the book. They, too, are in early fourteenth century French. A specimen—which will serve also to illustrate the close character of a mediæval trading corporation—may be of interest. Ordinance 19 runs:—"Et nul ne deit en la vile de Suthamtone rien acheter a reuendre en meyme la vile, si il ne seit de la Gilde maarchaunde ou de la ffraunchise. Et si nul le fetz e seit ateint, toutz quante il auera achete en tiel manere soit encore al Roy. Et nul ne soit que quite de coustume si il neit fait purquei il seit en Gilde ou en ffraunchise et ceo de an en an." In English this would be:—"And no one ought in the town of Southampton to buy anything to sell again in the same town unless he be of the Merchant Guild or of the franchise. And if any one do so and be found guilty thereof, all that he shall have bought in this way shall be forfeited to the king. And no one shall be quit of custom if he does not make it evident that he is in the Guild or the franchise, and that from year to year."

(4) List of dues and customs to be levied on goods coming into the town whether by land or by sea—a protective municipal tariff.

(5) Copy of an agreement respecting tolls and customs between Salisbury and Southampton—a treaty of municipal reciprocity dated 1330.

(6) Table of rates for regulating the price of bread. This is a very elaborate scheme. The price of bread was made to vary directly with the price of wheat. All was under the control of the guild. Competition and competitive prices were undreamed of.

(7) Copy of a charter relating to ecclesiastical affairs in Winchester. The original bore date 1268.

(8) Record of a law suit, A.D. 1313, between a tenant of the Bishop of Winchester and three Southampton men, who had seized as payment for toll an oxhide, valued at one penny in the money of the day. The verdict was given against Southampton.

(9) A collection of "Jugements du Meer," i.e., of maritime cases and legal decisions relating to ships and seamen. Of this Mr. Wright says, "The municipal archives of Southampton contain one of the most interesting documents which I have yet met with in such a situation—a complete code of naval legislation, written in Norman French, on vellum, in a hand apparently of the earlier half of the fourteenth century. It is well deserving of being printed."

(10) Copy of a charter, A.D. 1329, of concessions granted to the Hospitalers (Fratres Hospitalis Jerusalem).

(11) Copy of Letters-Patent, A.D. 1356, empowering the burgesses of Southampton to levy a penny in the pound on all merchandise passing into or out of Southampton, in order to provide funds for the completion of the fortifications of the town. The French invasion had occurred in 1337; the borough was recovering but slowly. It was probably with money levied under this grant that the existing "arcade work" on the western wall was erected.

(12) Copy of an agreement, originally made 1240, between Portsmouth and Southampton.

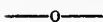
(13) Finally, a copy of an Inquisition, made in 1254, concerning the boundaries of Southampton. This is the oldest enumeration of the borough's limits which we possess. Several names still familiar occur in it, e.g., Cuttethorn, Ychene (the Itchen), Porteswode, Kyngeslond.

Of course, of all these varied contents of the Oak Book, the Guild Ordinances take prime place in importance. They throw much light on one of the obscurest problems of early economic and constitutional history, viz., the relation of the Merchant Guild to the governing body of the borough. During the twelfth century in almost every considerable English town a Merchant Guild sprang up. It included all the burghage-tenants of the town, irrespective of their occupation. It attained, usually by royal charter, the exclusive right to the monopoly of local trade. It frequently secured by purchase from impecunious kings governing powers which enabled it to set aside older local rulers, such as sheriffs and bailiffs, and to attain the position of the dominant municipal authority. So far as the Southampton Guild is concerned it is abundantly clear that when the ordinances were drawn up it was the ruling body in the borough. The provisions set forth in the Oak Book include not only minute regulations of trade but also measures for the maintenance of the king's peace, the holding of courts, the administration of justice, the election of officers. Nay more, it was as "Alderman of the Guild" that the Mayor of the town acquired his office and exercised his powers.¹

It will be evident from this brief account of the Oak Book that its value is such that no time ought to be lost in placing its detailed contents in the hands of students of early English municipal history.

¹ Ordinance 53 runs :—Le Alderman est cheuetein de la vile et de la Gilde et doit principalement mettre pelne et entente a meyntener la ffranchise et les estatutz de la Gilde et de la ville, et deit auer la primyere voyz en toutes eleccions et en toutes choses que touchent la vile et la Gilde.

IV.—THE BLACK BOOK.



The interest attaching to the "BLACK BOOK OF SOUTHAMPTON"—the *Liber niger nigro carbone notatus*, to give it its full Latin title—is of a very different character, more distinctly local, less general. The book itself is a large one, a folio of 144 pages of exceptionally thick and strong paper. The mere fact that it is made of paper, and not of vellum or parchment, is worthy of note. For it contains entries which run back to the date 1393, and in the fourteenth century paper was very rare. The earliest paper factory in England of which we have definite information existed at Stevenage, in Hertford, in 1460, though Mr. Joseph Hunter¹ claims to have found specimens of paper with English water-marks of a somewhat anterior date. There was, however, a mill in Bordeaux in 1302, and one in Jativa in Spain so far back as 1154.² One may be permitted to suppose, from the close connection of Southampton with Bordeaux in the fourteenth century, that the paper of the Black Book was of French make. From the first the volume was regarded with peculiar veneration and was kept with unusual care under a couple of locks, the keys for which were placed in the hands of two separate and highly responsible dignitaries. It was taken from its secure abode on rare and solemn occasions when need rose to make records of high import, such as should remain for ever safe from all obliterating foes. It was thus used for nearly two centuries, from 1393 in the reign of Richard II, to 1570 in the reign of Elizabeth. Then, when other means for attaining certainty of enduring memorial had been devised, it was allowed to sink into the category of antiquarian relics. Some years ago (c. 1888) the Hampshire Record Society undertook to print and publish the book, and the heavy task of transcribing, translating, and editing was assigned to Rev. R. H. Clutterbuck, Rector of Knight's Enham. Mr. Clutterbuck, however, unfortunately died before he had completed his work, and the volume still remains sealed in the obscurity of antique writing and mediæval language.

Its contents may be summarised under the following heads :—

¹ See *Archæologia*, xxxvii.

² The Moors of Spain, who introduced the manufacture of paper into Europe, learned it from the Persians who in their turn had acquired their knowledge of the process from the Chinese.

(1) Ordinances of successive mayors relating to such matters as the jurisdiction of the court of pie-powder, the order of proceedings in the Town Court, the removal of houses of evil repute from East Street, the appointment for the town of a paviour who was to live rent free in a house of the annual value of 13/4.

(2) Petitions to the mayor and his brethren, as for example from the tailors (1407) who prayed (in French) that no alien tailors might be allowed to come and interfere with their monopoly, and from the coopers who eighty years later (1486) made a similar request in English.

(3) Wills and Testaments. Of these there are a great number, generally in Latin, and often written in a highly finished and elaborately ornamented legal hand. Many of them are exceedingly curious, and not a few contain important information concerning charitable bequests to the town. **1314647**

(4) Depositions and sworn statements, e.g., "The Sainges of the Ayntchiant olde men whiche hath byne of the towne of Suthampton consarning the Comens of the same town."

(5) Deeds, chief in interest among which stands a copy of a grant, dated 1555, made in pursuance of the will of Rev. William Capon, D.D., for the endowing of the Free Grammar School of Southampton. The West Hall in the High Street, and three tenements in French Street are made security for the payment of £10 per annum to the schoolmaster. One of the conditions of the grant is "quod pueri in eadem schola educandi et erudiendi quotidie imperpetuum orent pro anima ejusdem Wilhelmi Capon." May it be asked whether the scholars of the present day continue, by praying daily for the soul of William Capon, to earn this grant for the headmaster?

It is much to be hoped that Mr. Clutterbuck's notes on the Black Book may be traced and recovered, and that the Southampton Record Society may succeed where the Hampshire Record Society failed, viz., in completing the editing and publishing of this notable manuscript volume.

V.—THE ASSEMBLY BOOKS.

—o—

The Assembly Books belong to a more modern era than the Oak Book or the Black Book. They date from 1602 and extend, with breaks, up to the present day. There are not many of them, for they are massive folio volumes, packed close with minute writing. As to their nature and contents, they are what we should call minute books of the proceedings of the Corporation. This body was, until the passing of the Municipal Corporations Act in 1835, a somewhat close and peculiar one. It consisted of a Mayor, an indefinite number of Aldermen, and twelve discreets. The Mayor was practically the nominee of his predecessor, for according to royal letters-patent¹ the outgoing Mayor named two candidates and the only power which the burgesses had was to choose between them or to re-elect the outgoing Mayor himself. The Aldermen were exclusively persons who had passed the mayoral chair; they held office for life; in 1835 there were nineteen of them. The discreets, relics of the old Merchant Guild, were elected annually by the community; from them the slow stream of new life passed into the oligarchic body. Week by week this Corporation met, transacted the business of the town, and looked after the affairs of the four-to-five thousand inhabitants. Week by week the Town Clerk or some other scribe made a note in the "Assembly Book" of the members of the Council who were present and the more important of their doings. Their sayings, unfortunately, are unreported, and it is left to our imagination to recall the quaint eloquence of their debate. These Assembly Books naturally deal with a wide variety of subjects, and enable us to judge with some accuracy of the very large sphere which was assigned to municipal authority in by-gone days. The following are a few of the leading topics which occur in the records of the seventeenth century:—²

(1) The admission of burgesses. The select company of those who enjoyed, by inheritance or election, the franchise in Southampton was very jealous of its privileges. From time to time,

¹ Patent Rolls 39 Henry VI sec. 13: the practice of the seventeenth century, however, was somewhat different. For particulars see Davles's *History of Southampton*, p. 164.

² For this selection I am indebted to Mr. F. W. Camfield, B.A., of King Edward VI's Grammar School and the Hartley University College, who has made a careful study of these volumes and of others of the period.

as occasion rose, regulations were made touching the admission of aliens and the recognition of residents.

(2) The enrolment of apprentices. Apprenticeship for seven years in the town was commonly required from those who desired to practise a craft within its borders. It was also one of the recognised roads to burgessship. Hence whenever a master took an apprentice he had to proceed with him to the Audit House, in order that the Town Clerk might (fee 1/-) enrol his name in the Book of Apprentices. The authorities had much difficulty in enforcing this rule.

(3) Maintenance of Watch and Ward. There was no regular police force in the town. For the defence of its gates and walls by day and for the patrolling of its streets by night responsibility remained with its householders. Each had to keep weapons on his premises, ready at a moment's notice. In bands of eight they had in turn to perambulate at night, challenging all late walkers, and ringing the bells at the Bargate and the Castle at stated hours in order to comfort restless and apprehensive citizens amid the vague perils of the dark. It was a very hard task to keep the householders up to their duties in this matter of watch and ward; again and again it was the subject of consideration and enactment.

(4) Prevention of settlement. In the seventeenth century each parish was responsible for the relief of the poor within its borders. It was therefore a matter of much concern to all rate-paying parishioners to prevent paupers from other parishes from migrating and becoming chargeable upon them. The law of the land made it possible for any stranger judged likely to be a burden to be compelled to depart whence he came any time within forty days of his arrival. The Assembly Books contain many entries which show the tricks of the alien immigrants to establish their forty-days residence claim, and the skill of the burgesses of Southampton in detecting and frustrating their plans.

(5) Regulations, too numerous to describe in this place, concerning inns and alehouses, concerning unlawful games such as bowling and tennis, concerning the observance of the Sabbath and the eating of fish on saints' days, concerning dress, and music, and surgery, and bread, and beer, and everything in short connected with man's body or soul.

Two extracts will serve better than much description to show the rich quality of some of these old orders. The first one relates to "Stage Players":—"6 February 1623. Forasmuch as the

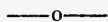
grauntinge of leave to stage players or players of interludes and the like, to act and represent theire interludes, playes and shewes in the towne-hall is very hurtfull, troublesome and inconvenyent for that the Table benches and fourmes theire sett and placed for holdinge the Kinges Courtes are by those meanes broked and spoyled, or at least wise soe disordered that the Mayor and bayliffes and other officers of the saide courts comminge thither for the administracion of justice, especially in the Pipowder Courts of the said Towne, which are there to bee holden twice a day yf occasion soe require, cannot sit there in such decent and convenient order as becometh, and dyvers other inconvenyences do thereupon ensue, It is therefore ordered by generall consent that from henceforth no leave shall be graunted to any stage-players or interlude players or to any other person or persons resortinge to this towne to act, shewe or represent any manner of interludes or playes or any other sports or pastymes whatsoever in the said hall."

The second extract refers to a more personal and delicate matter, viz., the mental and moral defects of the wife of Mr. Alderman Toldervey :—"October 27th, 1615. This day ordered, that whereas it hath pleased Almightye God to vysite M^{rs}. Toldervey wife of M^r. Phillip Toldervey, alderman, with a lunacy and great distemperature of minde, as too notoriously appereth ; The like wherof he may (if so be it his pleasure) lay uppon any one of us ; from the which we humblie beseech his Majestie to preserve us and all others, & for his mercies sake to restore her to her former sence and understanding : In the meane time, seeing that her speeches are manie times most idle, odious and scandalous against His Majestie and the state, & that also her walking abroad appereth to be verie daungerous, bothe in regarde of her owne percon and also of others her neighbours whoe stand in great feare of her : It is thought fitt and so ordered by the Assembly of this house this day, that the said Mr. Toldervey be required to take course that she may not hencefourth walke abroad out of his house, but be close kept upp, until it shall please god to geve her a feeling of his grace. All which we require to bee done, as well to prevent all daunger of hurte unto her owne percon as aforesaid as to others, whoe alredie stand in great feare of her, to avoide all disquiettness in the Church at the Assemblies, both on the Sabboth daies and other daies for Christian exercises, As also all occasion of scandall by reason he is one of our Company ; which if he shall refuse or wilfully neglect to do, we shalbe forced to take such further order, as we are and shalbe unwilling to proceede unto."

Two years later, however, no amendment had been shown, and once again the House was constrained to address a solemn warning to the husband of the afflicted lady:—"Mr. Toldervey, whereas of late your wife hath many wayes misdemeaned herself both in the Church, Towne haule and open streetes against his Ma^{tie} and the Queene his wife, against me the Mayor of this Towne and others of us and our wieves, wee have thought as heretofore so nowe againe to give yoⁿ notice of it, And for that it is a great disgrace & disparagem^t to the governem^t and state of this Towne to suffer such disorders in any person whatsoev^r, and much more in one of her Rancke, and the rather for that the meaner sort doe gen^{er}ally geve out that if she were of meaner place wee would not suffer it, w^{ch} to saie the truth is most certeyne, wee doe most earnestlie desier yoⁿ and in his Ma^{ts} name also require yoⁿ to take some course to keepe her in, for whereas heretofore yoⁿ complayned that yoⁿ had noe fittinge place to kepe her in and by yo^r mocon wee have geven Bordes and nayles and paid for all the worckmanshipp to fitt a roome to yo^r Content in yo^r owne howse wch hath not cost yoⁿ one penny and have cost some of us money, otherwise wee thought wee should have beene freed of this Scandall, w^{ch} nowe wee find to break out in as highe a measuer as at any tyme heretofore, wherefore if yoⁿ shall not take such order as is fitting (w^{ch} wee hartilie desier yoⁿ to doe) wee shall bee constrayned uppon her next disorder to comitt her to prison untill wee shall have suerties for her good behaviour. Auditt howse the 24th of Oct. 1617."

If Mr. F. W. Camfield can, at the end of his labours, offer to the Record Society a selection of extracts from the Assembly Books, and if the Record Society has sufficient funds in hand to enable it to publish them, the reading public of Southampton will be assured of a copious feast of good things.

VI.—THE BOOKS OF EXAMINATIONS AND DEPOSITIONS.



Of all the books in the vaults of the Audit House these have the greatest human interest. They contain accounts of the examinations before the magistrates of all kinds of suspected persons—those accused of piracy, prison-breaking, witchcraft, unchastity, slander, blasphemy, murder—and also the voluntary depositions of many others who wished to have authoritative record of their statements, e.g., merchants sending valuable cargoes from the port, seamen landing after shipwreck or attack upon the water. The inexhaustible variety of these examinations and depositions, the scriptural picturesqueness of their language, the vividness of their veracious narrative, make these volumes more fascinating than most works of romance. Perhaps their stories of adventures on the seas, and in the newly discovered and unexplored lands of the west, constitute their most attractive feature. They help us to realize the almost incredible insecurity of ocean navigation in the sixteenth and seventeenth centuries. Not only were there the inevitable perils of storm and tempest, often faced in vessels so small that we in our day would scarcely trust ourselves on a lake in them,¹ there were also the perils of pirates who literally infested the seas, pirates of all nations—French, Spanish, Dutch, Flemish, Turkish, even English, and (terrible and numerous beyond all others) Algerine. To mention only a few of the cases which came before the Southampton magistrates between the years 1622-43 :—French pirates captured the “Fisher” of Southampton, near the Needles, in September, 1627, and the “Margaret” of Plymouth, off the Lizard, in October, 1628; Spanish pirates seized the “Steven” of Southampton, in the Bay of Biscay, in November, 1631; a Flemish man-of-war attacked the “Phoenix” of Weymouth, off the coast of Morocco, in the latter part of 1634; Turkish pirates made prize of the “Pearl” of Southampton, off the Canaries, after a stern and exciting struggle, in November, 1640; English men-of-war on two separate occasions in 1627 despoiled the “Hope of Edom,” a vessel sailing on behalf of John Stroude, an English merchant

¹ Drake's largest vessel, the one in which he circumnavigated the globe, in his three years' voyage, 1577-80, was but of 100 tons burden; the boat in which Sir Humphrey Gilbert, sailed for England from Newfoundland was only 10 tons.

of Rochelle, and carrying a cargo of tobacco, salt, and wine to Londonderry in Ireland, while the same year the unfortunate "Fisher" of Southampton, mentioned above, before her ultimate capture by the French, was overhauled by an English war-ship commanded by Captain Jones of Sandwich.

The following is the story of the "Fisher" as told by Gregory Browne, her boatswain, on October 27, 1627 :—The deponent started from Newfoundland August 23rd, in the "Fisher" of Southampton, a ship of 80 tons, with 32 persons in his company, having on board all their fishing tackle and 106,000 dry fish and 5,300 wet fish, and 9 tons of trayne (oil). They were driven into Plymouth by a storm about September 8th, and there on September 15th the master, Milles Searchfield, died. On September 20th (Thursday) the master's mate, Henry Norman, started to bring the ship from Plymouth to Southampton. At one o'clock at night they were stopped by an English man-of-war, whose captain was William Jones of Sandwich. The captain, lieutenant, and six or seven men came aboard the "Fisher" demanding firewood. They then proceeded violently to take "the mizzen sail" of the vessel, the clothes and linen from the seamen's chests which they broke open, a new sheet-anchor cable, two murderers and a chamber, eleven muskets and calivers, and a fowling piece, a barrel of powder, and all their musket shot, "and six pounds of candles with divers other small things." Then they let the "Fisher" go, having despoiled her, and delayed her three hours. Thence she was driven by an ebb tide some five or six leagues out to sea, and between Portland and the Needles on September 22nd she fell in with a French man-of-war of 106 tons, carrying 130 men and 10 guns, whereof one Bally of Sherbrooke in Normandy was captain. The "Fisher" and all its stores were made prize. The crew was shipped from France to Alderney in a ship of four tons. Thence they got to Guernsey, where they were picked up by a ship of Henry James and taken to Poole, whence they had journeyed to Southampton.

Hardly less interesting than the story of the "Fisher" is that of the ill-fated "Hope of Edom," as narrated by her master, Simon Peterson, on October 8, 1627. The vessel, as has already been noted, sailed from Rochelle on behalf of John Stroude, an English merchant resident there. The crew were provided with "a passe under the hand of the Lord Duke of Buckingham for their quiet passage." Their cargo was salt, wine, and tobacco,

and they were bound for Londonderry in Ireland. They started August 7th, and on August 15th, off "Hayshant" they met with an English man-of-war (Captain Malbye) which took off the tobacco, several seamen's chests, etc., and forced Simon Peterson by "setting foure pistolls at one instant against his bodye" to give up six pounds which he had on board. After detaining them for three days the man-of-war departed.

But, again, on August 22nd, in St. George's Channel, another English man-of-war (Captain Thomas) stopped them. The captain made Peterson and others go aboard his ship with their papers, including Buckingham's safe conduct and their "charter partye." These he detained. Then he conveyed them to Kinsale, in Ireland, where he sold part of their salt and wine, and thence took them back to Portland and Weymouth. The English captain would not let Peterson or his crew land, but Peterson managed to get ashore at Weymouth while the captain was away, and he complained to the Mayor and to the Vice-Admiral. The consequence was that the man-of-war and its captain, Thomas, were arrested; but Peterson's ship, "The Hope of Edom," was carried away by its captors before it could be detained. However, "by much search and labour" Peterson learned that the vessel had been taken to Cowes, and by application to the High Admiralty Court of England he managed to recover the ship and a fragment of its cargo.

Sometimes would-be pirates over-reached themselves and "caught tartars." Thus one Morrice de Roch, of Dunkirk, gave evidence on April 9, 1641, and said that three weeks before he had been on the ship "St. Paul," of which he was captain, and he had been "plying up and down" between Dartmouth and Dunkirk (evidently to see what he could catch). But "taking noe purchase" he was on his way home to Dunkirk when he espied four vessels, and "not knowing what they were he gave them chase." They proved to be "States men-of-war," and when his vessel came "within their danger" they turned upon him and "all fought with him neere St. Hellens and by a shot there sprung a but-head in the ship" and the vessel began to sink. When Morrice de Roch perceived that all was lost, he, with a "little English boy, in the evening, leapt out naked at the port-hole of the ship and carrying the boy upon his backe swam ashoare neare St. Hellens," which was "about a mile and a halfe" distant. And the next day one Mr. Hopkins bestowed upon him "some clothes and he crossed from the Cowes to Southampton."

But if these tales of moving adventure on the deep are the most arresting in their interest, very little inferior to them are some of the narratives of doings and sayings within the old walls of the borough. There is a pathetic account of the murder of a little boy by a school-fellow on Castle Hill in June, 1635; it is unfolded in the vivid words of six eye-witnesses. There is a description of a fatal fight with swords in the courtyard of the "Beare" between two soldiers who had been drinking together from nine in the morning till two in the afternoon, and who in that period of five hours had consumed "about fourpence in beere." There is a story of how John Well and Andrew Stokes broke the Bargate prison by filing off the irons from their legs with "two knives hackled together," by taking away the lock from the door of the inner prison and by knocking out two iron bars (one of which they carried off and sold for eightpence) which blocked their way from the prison to "the Jury Howse within the Town Hall," whence they easily escaped "by the door at the stairhead into the carrier's garden and so into the street." There are countless other stories which shed a marvellous light upon the social life of our ancestors of three centuries ago. The following is an example, chosen for its brevity, of the lighter kind. One Sunday in August, 1626, Elizabeth Smither, seeing "Mr. Plomer the parson of All Saints coming from Church in the forenoon," said to Rebecca Williams: "What is Mr. Plomer better than another man? Hee had a good calf of myne worth 14 or 15 good shillings. I would he would pay mee for yt. They call him Master Plomer; but *wee* may well be master, for I am sure wee pay him. Hee gets more by his tongue than wee by our labour." Elizabeth's husband (John Smither) had to give surety that she should appear at next Sessions, and had to be responsible for her good behavior meantime.

Time would fail merely to enumerate the excellent stories told in these books of examinations and depositions—of which books there are eight, covering the years 1576 to 1755. A considerable amount of work has already been done upon them, and it is hoped that at an early date Professor Clarke, of the Hartley College, and Miss Hamilton may have portions of them ready for the press.

VII.—CONCLUSION.

—o—

Many other books of the Corporation merit a detailed description ; many isolated documents contain matters of great interest. But the limits of this pamphlet are already unduly extended. I should particularly have liked to speak of the Court Leet Records, of which two substantial sections have now been published by the Southampton Record Society ; but perhaps I may be allowed to refer readers to the printed volumes themselves and to an article on the court in the Hampshire Field Club Proceedings for 1905.


I will conclude by saying that my object in writing this pamphlet is to make the work of the Southampton Record Society known to a wider public, and to arouse an interest in the documents of the ancient borough which will lead many to send donations or subscriptions to the Society in order that, free from pecuniary embarrassment, it may continue its task of making available to the present and the future the treasures of the past.*

F. J. C. HEARNshaw.


HARTLEY UNIVERSITY COLLEGE,
SOUTHAMPTON,
September, 1906.

* Any profits which may accrue from the sale of this pamphlet will be devoted to the funds of the Southampton Record Society.



THE  BOUND TO PLEASE

Heckman Bindery INC.

 **SEPT. 65**

N. MANCHESTER,
INDIANA

